

IN THE DRAWINGS:

Approval of the changes made to Figs. 1-3, as shown on the attached replacement sheets, by adding a legend (Prior Art) is courteously solicited.

REMARKS

Claims 1-5 and 7-26 have been allowed. Claims 6, 27-35 and 37-40 have been cancelled. Claims 36 and 41 have been amended. As a result, claims 1-5, 7-26, 36, 41-45 remain pending in the present application. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

Claim Rejection - 35 U.S.C. §103

With respect to Paragraph 3 of the Office Action, claims 36, 37, 39, 40, and 45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's prior art in Figs. 1 and 2 in view of Clevenger (US 6,399,447). Of the rejected claims, only claim 36 is independent, and claims 37-40 have been cancelled without prejudice. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In amended claim 36 of the present application, a top surface of the second collar portion, being on a non-adjacent portion of the two neighboring capacitors, is on the same level as a top surface of the top plate. However, the top surface of the second collar portion in both Applicant's prior art in Figs. 1 and 2, and Clevenger are not on the same level as the top surface of the top plate.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP 2143.03 All Claim Limitations Must Be Taught or Suggested)

Accordingly, at least one feature of amended claim 36 is not disclosed by the combination of Applicant's prior art and Clevenger. Hence, amended claim 36 is nonobvious over the prior art of record. Moreover, since claim 45 is depend from claim 36 and adds further limitations thereto, the 35 U.S.C. §103(a) rejection of claim 45 should be withdrawn as well.

The Office Action rejected claim 38 under 35 U.S.C. §103(a) as being unpatentable over Applicant's prior art in Figs. 1 and 2 in view of Clevenger (6,399,447) and further in view of

Holmes (6,316,309). Claim 38 has been cancelled without prejudice. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Allowable Subject Matter

The Examiner states that claims 41-44 are allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claims. The Examiner also states that claims 1-5, 7-14, and 15-26 are allowable over the prior art of record.

Drawings

A legend --Prior Art-- has been added to Figures 1, 2, 3 to eliminate the problem mentioned by the Examiner. This amendment is not related to patentability.

Conclusion

For all of the above reasons, Applicants submit that the specification and claims are now in proper form, and that the claims patatentably define over the prior art of record. All claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited. Applicants respectfully request issuance for this case at the Examiner's earliest convenience.

Respectfully submitted,

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